

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1259

Introduced by Assembly Member Levine

February 27, 2015

An act to amend Section 1745.2 of the Fish and Game Code, *and to add Section 14670.14 to the Government Code*, relating to bees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1259, as amended, Levine. Bees: apiculture: state-owned lands.

Existing law requires the Department of Fish and Wildlife to consider permitting apiculture on department-managed wildlife areas.

This bill would instead require the department to consider authorizing apiculture on department-managed wildlife areas.

The bill would authorize the department to authorize the temporary placement of ~~bee hives~~ *beehives* on department-managed wildlife areas through simple *lease or permit* agreements specifying appropriate conditions. The bill would provide that these agreements are not ~~contracts or leases for purposes of~~ *subject to* competitive bidding provisions and other provisions relating to public contracts in the Public Contract Code and the Government Code. *requirements*.

The bill would authorize the department to continue any authorization for apiculture on department-managed lands that it granted before January 1, 2015, without taking further action.

Existing law generally authorizes the Director of General Services, with the consent of the agency concerned, to let any real or personal state property in accordance with specified requirements.

This bill would authorize the director to let state land for commercial apiary purposes, and would authorize the director to lease state land for those purposes for less than fair market value.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares as follows:
- 2 (a) Bees and other pollinators are critical to agricultural
- 3 production and native ecosystems. Bees pollinate billions of dollars
- 4 of agricultural crops in the United States, including many of
- 5 California's most important agricultural crops.
- 6 (b) Bees are at significant risk of harm due to a condition known
- 7 as Colony Collapse Disorder (CCD). In the United States alone,
- 8 more than 25 percent of the managed bee population has
- 9 disappeared since 1990 and the number of hives is at its lowest
- 10 number in 50 years. CCD and the loss of bees is a significant threat
- 11 to our state and national food supply and economic security.
- 12 (c) A viable and productive honeybee industry is dependent on
- 13 access to private and public lands to secure nectar and pollen
- 14 resources for nutritional foraging opportunities.
- 15 (d) There is a need for a streamlined and efficient method to
- 16 provide access to public lands for California beekeepers to ensure
- 17 that they have adequate foraging grounds for their bees.
- 18 (e) The Legislature's intended purpose in enacting Section
- 19 1745.2 of the Fish and Game Code was to increase apiculture bee
- 20 foraging opportunities on state lands managed by the Department
- 21 of Fish and Wildlife, and not to affect existing apiary sites on
- 22 department-managed lands previously approved for apiculture use.
- 23 (f) Due to the unique regional and seasonal nature of apiculture,
- 24 the public interest will be best served by authorizing such uses on
- 25 department-managed lands without competitive bidding.
- 26 SEC. 2. Section 1745.2 of the Fish and Game Code is amended
- 27 to read:

1 1745.2. (a) The department shall do both of the following:

2 (1) Consider authorizing apiculture on department-managed
3 wildlife areas, where deemed appropriate by the department.

4 (2) Determine, when developing or amending its land
5 management plans, the following:

6 (A) If the department-managed wildlife areas, or any portion
7 of the those areas, are suitable for apiculture and whether apiculture
8 is consistent with the management goals and objectives for those
9 areas on a temporary, seasonal, or long-term basis.

10 (B) If the administration of apiculture on department-managed
11 wildlife areas, where deemed appropriate by the department, is
12 meeting the management goals and objectives for those areas.

13 (C) The appropriate fee to be assessed for conducting apiculture
14 on department-managed wildlife areas.

15 (b) The department, in implementing this section, may consult
16 with apiculture experts, including, but not limited to, the
17 Department of Food and Agriculture, the University of California,
18 other academic or professional experts, and interested stakeholders,
19 when considering authorizing apiculture on department-managed
20 wildlife areas consistent with the respective management goals
21 and objectives for those areas.

22 (c) Moneys collected for conducting apiculture on
23 department-managed wildlife areas pursuant to subparagraph (C)
24 of paragraph (2) of subdivision (a) shall be deposited by the
25 department into the Wildlife Restoration Fund and, upon
26 appropriation by the Legislature, be used to support the
27 management, maintenance, restoration, and operation of
28 department-managed wildlife areas.

29 (d) The department may authorize the temporary placement of
30 ~~bee hives~~ *beehives* on department-managed wildlife areas through
31 simple *lease or permit* agreements specifying appropriate
32 conditions. These agreements are not ~~contracts or leases for~~
33 ~~purposes of~~ *subject to* competitive bidding provisions and other
34 ~~provisions relating to public contracts in the Public Contract Code~~
35 ~~and Government Code.~~ *requirements.*

36 (e) The department may continue any authorization for
37 apiculture on department-managed areas that it granted before
38 January 1, 2015, without taking further action.

39 *SEC. 3. Section 14670.14 is added to the Government Code,*
40 *to read:*

1 14670.14. (a) Notwithstanding Section 14670, the Director of
2 General Services, with the consent of the agency concerned, may
3 let for a period not to exceed five years state land for commercial
4 apiary purposes.

5 (b) The director may lease state land pursuant to this section
6 for less than fair market value.

7 ~~SEC. 3.~~

8 SEC. 4. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety within
10 the meaning of Article IV of the Constitution and shall go into
11 immediate effect. The facts constituting the necessity are:

12 In order for beekeepers, who relied on and are dependent on
13 prior approval from the Department of Fish and Wildlife, to place
14 their ~~bee hives~~ *beehives* on department-managed lands for seasonal
15 foraging purposes, it is necessary for this act to take effect
16 immediately.